

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-106-A

April 30, 2020

IN RE: Actions in Response to COVID-19

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) **PETITION FOR WAIVER OF**
) **COMMISSION REGULATIONS AND**
) **AMENDMENT OF ORDER**
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Pursuant to S.C. Code Ann. Regs. 103-825 and other applicable rules of practice and procedure of the Public Service Commission of South Carolina (“Commission”), the South Carolina Office of Regulatory Staff (“ORS”) hereby petitions that the Commission waive the requirement that deferred payment plans be limited to six months and allow utilities to offer its customers a longer deferred payment plan and allow an extension of the filing of the 2019 Annual Reports.¹ According to Commission Regulation 103-803, “[i]n any case where compliance with any of these rules and regulations produces unusual hardship or difficulty, or where circumstance indicate that a waiver of one or more rules or regulations is otherwise appropriate, such rule or regulation may be waived by the commission upon a finding by the Commission that such waiver is not contrary to the public interest.”

In support of this Petition, ORS shows the following:

¹ ORS recognizes many utilities may have already submitted or may submit their 2019 Annual Reports on or about April 30th or May 1st, but an additional delay may benefit regulated utilities.

1. On March 13, 2020, Governor Henry McMaster issued Executive Order 2020-08, which, among other things, declared a State of Emergency in South Carolina based on a determination that COVID-19 “poses an actual or imminent public health emergency for the State of South Carolina.” Additionally, in Executive Order 2020-13, dated March 23, 2020, Governor McMaster declared that “the State must promote and facilitate effective ‘social distancing’ practices” to address the significant public health, economic, and other impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina. Governor McMaster has also issued other executive orders closing schools, postponing elections, prohibiting dining inside restaurants, prohibiting public and private gatherings of more than three people, and invoking emergency governmental powers under multiple statutes. *See* Executive Orders 2020-08 through 19, 21 through 23, 25, 28, and 29.

2. As a result of COVID-19, the unemployment rate in South Carolina has skyrocketed with many South Carolinians out of work or working significantly reduced hours as a result of the pandemic creating economic hardships for many South Carolinians.² Additionally, reduced usage from businesses is expected to impact the fixed cost recovery and revenue assumptions included in rates designed to collect the utilities’ costs incurred in serving customers. In this time of crisis, measures must be taken to mitigate the negative impacts of COVID-19 as well as to ensure reliable, high quality utility service for South Carolina customers.

²According to statics, as of April 20, the South Carolina Department of Employment and Workforce had processed over 268,000 unemployment claims in the last month alone. *See* <https://www.wltx.com/article/news/health/coronavirus/jobsearch-requirement-suspended-waiver-extended-scdew-unemployment-benefit/101-8012ed1f-1c78-42dd-baa5-d3dcadf3413e>.

3. A temporary waiver of certain Commission regulations and amendment of Commission Order would allow more flexibility and could assist utilities and their customers mitigate the hardship many are currently facing.

4. **Regulations regarding Deferred Payment Plans.** Currently, commission regulations require utilities to provide for arrangements of a deferred payment plan to enable a residential customer to make installment payments where the customer is unable to pay the full balance due for utility service. To qualify, the customer must pay their current amount due and pay not less than 1/6 of the past due balance for a period not to exceed 6 months. ORS requests a waiver of the applicable regulations to allow customers the flexibility to obtain deferred payment plans longer than 6 months for past-due amounts. Longer payment plans may help address the needs of customers who do not typically need deferred payment plans or assistance with utility bill payments. ORS consulted with a few utilities in preparing this Petition and, generally, the concept of allowing the flexibility to offer a longer deferred payment plan was received positively. The applicable regulations are: S.C. Code Ann. Regs. 103-352.4.c; 103-452.4.c; 103-532.5; 103-732.7; and 103-622.5.

5. **Regulations regarding the date by which utilities must file their 2019 Annual Reports.** On March 19, 2020, the ORS filed a request with the Commission that waive applicable regulations and grant utilities an additional 30 days to file reports such that reports were due either April 30th or May 1st 2020.³ On March 25, 2020, the Commission granted ORS's request in Order No. 2020-243. Since that date, Governor McMaster has extended the State of Emergency.⁴ As a result, an additional 30-day extension may benefit regulated utilities. Order No. 2020-243 and the

³See Filing made by ORS on March 19, 2020 in Docket No. 2020-106-A.

⁴See Order No. 2020-23, issued on April 12, 2020 and Order No. 2020-29, issued on April 27, 2020.

following regulations address the deadlines for filing annual reports: S.C. Code Ann. Regs. 103-18, 103-231, 103-312, 103-412, 103-512.1, 103-612, and 103-712.

WHEREFORE, ORS respectfully requests that the Commission (1) waive those regulations so as to afford utilities the ability to offer different payment plan options, and (2) amend Order No. 2020-243 so as to allow utilities additional time to file their Annual Reports.

Respectfully submitted,

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